

summarizing and overstating in an argumentative way”<sup>700</sup> when he testified that his comments at the tribal dialogue gave the applicant tribes “pretty good notice”<sup>701</sup> of the Department’s concerns about the application.

Babbitt cited as an overstatement his prior assertion that Michael Anderson made the decision based on the recommendation of George Skibine. Relatedly, he admitted that his claim in the House hearing that the decision was made “the right way” was an overstatement, at least in light of his awareness of the criticisms made by the Assistant U.S. Attorney defending Interior officials against the applicant’s civil lawsuit, who recommended that the civil lawsuit be settled because of problems with the consultation process.<sup>702</sup>

With respect to his testimony before the Senate Committee, Babbitt conceded that his testimony that Ickes was his boss was “not a very accurate way of phrasing.”<sup>703</sup> Although he had

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<sup>699</sup>(...continued)  
this down. So I think that’s important consideration.

Now obviously the most difficult issue is off reservation gaming. Which had some good successes in some states where we’ve been able to generate a consensus, not just the approval of the governor, but a real consensus about this being good for both the Indian community and the non-Indian community. It’s a controversial issue. . . .

I got to tell you, I’ve not yet figured out in my own mind with any degree of certainty what the best way to go is on this.

<sup>700</sup>Babbitt G.J. Test., June 30, 1999, at 133.

<sup>701</sup>*Id.* at 135.

<sup>702</sup>*Id.* at 194-98.

<sup>703</sup>Babbitt G.J. Test., July 7, 1999, at 141.